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| 09/298,521      | 04/23/1999  | LYNN HOLM BLAGG      | 06042-0150          | 2112             |

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EXAMINER

BASHORE, ALAIN L

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 11/03/2003

*Response Due 02/03/04*  
b3b

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/298,521

Applicant(s)

BLAGG ET AL.

Examiner

Alain L. Bashore

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of group II (claims 19-22) in Paper No. 22 is acknowledged. The traversal is on the ground(s) that there is no serious burden on the examiner. This is not found persuasive because even though subclasses 35-45 of class 705 have yet to be further delineated, group processing and account dependency relationships are separate considerations in the financial art.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 22. Applicant is respectfully required to cancel the non-elected claims 1-18 in response to this office action.

### ***Response to Appeal***

3. In view of the appeal brief filed on 8-15-02 PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

4. If appellant files a separate petition traversing the finality of the restriction requirement at the same time as reinstatement of the appeal, the appeal must include all claims - including non-elected claims. If the petition is decided that the restriction was improper, a new grounds of rejection will be made regarding non-elected claims at rejoinder. If the petition is decided that the restriction was proper, the examiner's answer will note claims withdrawn from consideration.

#### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 19-22 are rejected under 35 U.S.C. 101 as non-statutory. The method claims as presented do not claim a technological basis in the body of the claim. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the body of the claim at least one structural / functional interrelationship which can only be computer implemented is

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considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) – used only for content and reasoning since not precedential].

### ***Specification***

7. The disclosure is objected to because of the following informalities: page one of applicant's specification indicates related applications that have not been described by U.S. application serial number.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 19-20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 19 and 22 the claims are unclear as to the interrelationship of the recited steps. There is claimed, "modifying a relationship parameter .....", but thereafter is recited account dependency relationships without further recitation as to how this relates to the parameter.

In claim 20 the recitation is unclear since in claim 19 the dependant account is matured so there is no longer is a dependant account.

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For the purpose of examination only, the examiner interprets the claimed limitations as best understood.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 19-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musmanno et al in view Cohen in further view of Fleming.

Musmanno et al discloses a method for relationships between accounts and a group (households). The group includes multiple accounts and multiple dependant accounts (col 3, lines 5-8). Parameters are provided (col 3, lines 9-18). Each account implicitly includes a "key" account since there are described accounts that are "master". The relationship parameter is modified that defines the original key account's relationship to the group and defines the dependant account's relationship to the group including second dependant accounts (col 4, lines 18-30).

Musmanno et al does not disclose:

changing an account from key to dependant or from dependant to key;

dependant cardholders associated with the dependant accounts; and,

maintaining account history for the dependant account by associating the account history with a key account.

Cohen discloses changing an account from key to dependant or from dependant to key (col 13, lines 15-30). The word "matured" is understood in the broadest sense of the term to be defined as: a change from one state to another.

It would have been obvious to one with ordinary skill in the art to include changing an account from key to dependant or from dependant to key because Cohen teaches such as resulting from "changing circumstances" (col 13, lines 18-19).

Fleming discloses dependant cardholders associated with dependant accounts (col 5, lines 40-42) and account histories maintained for the dependant account by associating the account history with a key account (figure 2).

It would have been obvious to one with ordinary skill in the art to include to Musmanno et al dependant cardholders associated with the dependant accounts because Fleming teaches dependant cardholders as known in the art (col 2, lines 29-65).

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It would have been obvious to one with ordinary skill in the art to include to Musmanno et al account histories maintained for the dependant account by associating the account history with a key account because Fleming teaches knowing the expenditures of dependant accounts are important for accountability purposes (col 2, lines 45-65).

12. Claim 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musmanno et al in view Cohen in further view of Fleming as applied to claims 19-20 and 22 above, and further in view of Embrey.

Musmanno et al in view Cohen in further view of Fleming does not explicitly disclose selecting a set of dependant accounts and moving a set of dependent accounts to a second group.

Embrey discloses selecting a set of dependant accounts and moving a set of dependent accounts to a second group (col 3, lines 10-33).

It would have been obvious to one with ordinary skill in the art to include to Musmanno et al selecting a set of dependant accounts and moving a set of dependent accounts to a second group because Embrey teaches obligations to a group that require identification of a set of accounts (col 2, lines 1-49).



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***Response to Arguments***

13. Applicant's arguments with respect to claims 19-22 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.

  
Alain L. Bashore



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